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Image

1762



Docket No.: 219418US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW
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RE: Application Serial No.: 10/068,838
Applicants: Takashi TANAKA, et al.
Filing Date: February 11, 2002
For: APPARATUS AND METHOD FOR FORMING
COATING FILM
Group Art Unit: 1762
Examiner: JOLLEY, K.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO: 219418US3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKASHI TANAKA, ET AL. : EXAMINER: JOLLEY, KIRSTEN
SERIAL NO: 10/068,838 :
FILED: FEBRUARY 11, 2002 : GROUP ART UNIT: 1762
FOR: APPARATUS AND METHOD FOR :
FORMING COATING FILM

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated September 8, 2003, Applicants elect Group I, Claims 1-8, drawn to an apparatus for forming a coating film on a substrate, classified in class 118, subclass 52.

The Restriction Requirement asserts that the application contains claims to patentably distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does identify two different search classifications, it is believed that the claims of the present application would have to be searched in only a small handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire

Application No. 10/068,838

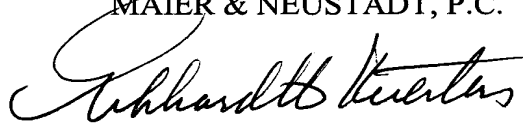
Reply to Office Action of September 8, 2003

application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain three separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-12 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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